

Message Text

SECRET

PAGE 01 CAIRO 12276 01 OF 03 051543Z
ACTION PM-05

INFO OCT-01 EUR-12 NEA-11 ISO-00 CIAE-00 H-01 INR-10
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TO SECSTATE WASHDC PRIORITY 8765
INFO AMEMBASSY LONDON
AMEMBASSY TEHRAN
SECDEF WASH DC
DIA WASH DC
CNO WASH DC
CINCLANTFLT NORFOLK VA
USCINCEUR VAIHINGEN GE
USNMR SHAPE BE
CINCUSNAVEUR LONDON UK
COMIDEASTFOR
COMSIXTHFLT
JCS WASH DC

S E C R E T SECTION 01 OF 03 CAIRO 12276

E.O. 11652: GDS
TAGS: OCLR, US, EG
SUBJECT: NUCLEAR POWERED WARSHIP TRANSITS OF THE
SUEZ CANAL - RADM CHEWNING'S SECOND MEETING WITH
EGYPTIAN OFFICIALS

REF: CAIRO 12170 (DTG 041902Z MAY 78)

1. SUMMARY: DURING SECOND MEETING WITH EGYPTIANS ON REF
SUBJECT, MAY 3, RADM CHEWNING PROVIDED REQUESTED
ADDITIONAL INFO ON LIABILITY AND SOME DETAILS RE RADIO-
ACTIVITY MONITORING EQUIPMENT, INCLUDING REPRESENTATIVE
COSTS, BASED UPON DATA PASSED BY PHONE FROM WASHINGTON.

SECRET

SECRET

PAGE 02 CAIRO 12276 01 OF 03 051543Z

HE AGAIN STRESSED USG VIEW THAT MONITORING IN CANAL
UNNECESSARY FOR REASONS CITED PREVIOUS DAY. WHILE
EGYPTIAN SIDE PROFESSED ACCEPT USNPW SAFETY RECORD AND
UNILATERAL ASSURANCES, IT AGAIN TOOK POSITION GOE BELIEVES
THAT FOR DOMESTIC PURPOSES IT MUST MONITOR NUCLEAR POWERED
VESSELS OF OTHER COUNTRIES THAT MAY WISH TRANSIT CANAL.
IN EFFORT BREAK IMPASSE, AMBASSADOR PROPOSED THAT THE TWO

ISSUES BE DECOUPLED AND HANDLED SEPARATELY. SHOULD GOE REQUEST AID/CIP ALLOCATION TO PURCHASE MONITORING EQUIPMENT, WE WOULD INVESTIGATE POSSIBILITY ACCEDING TO ITS REQUEST. US NAVY WOULD NOT BE PREPARED PROVIDE MONITORING EQUIPMENT, NOR WOULD USG BE PREPARED TO TIE USNPW TRANSITS OF SUEZ CANAL TO AVAILABILITY SUCH EQUIPMENT" 'AMBASSADOR URGED THAT FAVORABLE DECISION ON USNPW TRANSIT BE MADE WITHOUT AWAITING POSSIBLE ARRANGEMENTS WHEREBY GOE CAN PURCHASE MONITORING EQUIPMENT. ONE MEMBER OF EGYPTIAN SIDE, HAMUDA, OPINED IT SHOULD BE THE OTHER WAY AROUND. EGYPTIAN SIDE AGREED PRESENT ISSUES TO DEPUTY PRIMIN SULTAN, WHO HAS ALSO BE CHARGED BY GAMASY AND FONMIN KAMEL TO HANDLE THEIR MINISTRIES' INTERESTS, FOR DECISION. WILL CONTINUE TO PRESS FOR EARLY FAVORABLE DECISION RE TRANSIT USNPW'S. END SUMMARY.

2. SECOND MEETING: ATTENDING SECOND MEETING WERE AMB, RADM CHEWNING, ALUSNA, MAHER ABAZA, OR EFFAT, DR HAMUDA, AND A MR SAYAN FROM THE MFA, WHO REPRESENTED NABIL EL ARABY. MEETING TOOK PLACE AT 1800, MAY 3, IN DR. EFFAT'S OFFICE.

3. RADM CHEWNING OPENED BY ANSWERING HOLD-OVER QUESTIONS FROM PREVIOUS MEETING WITH INFORMATION OBTAINED IN A PHONCON TO WASHINGTON. HE STATED THAT IN HIS OPINION, AFTER CONFERRING WITH HIS MILITARY LAWYERS, THAT LIABILITY

SECRET

SECRET

PAGE 03 CAIRO 12276 01 OF 03 051543Z

DUE TO INDIRECT LOSS UNDER PL 93-513 WOULD BE HANDLED AS FOLLOWS:

A. RESETTLEMENT WOULD BE VIEWED AS VIRTUALLY A DIRECT LOSS OF PERSONAL OR REAL PROPERTY AND WOULD BE FULLY COVERED.

B. LOSS OF REVENUE WOULD PROBABLY BE VIEWED AS AN APPROPRIATE CLAIM IF THE PROXIMATE CAUSE WERE AN ACCIDENT AS DESCRIBED IN STANDARD STATEMENT AND PUBLIC LAW 93-513.

C. THE LEGAL BATTLE IN SIMILAR ADMIRALTY CASES CENTERS ON PROOF OF NEGLIGENCE AND/OR LIMIT OF LIABILITY.

D. SINCE STANDARD STATEMENT/PL 93-513 ELIMINATES THESE ISSUES ONLY ESTABLISHMENT OF PROXIMATE CAUSE OF DAMAGE WOULD REMAIN.

E. USING CHESAPEAKE BAY BRIDGE CASE AS PRECEDENT, OPINIONS WERE UNIFORMLY THAT US GOVERNMENT WOULD MAKE LIBERAL LOSS OF REVENUE CLAIMS PAYMENTS. AT AMBASSADOR'S EARLIER SUGGESTION, HE EXPLAINED THAT IN REFERENCE TO

THE CHESAPEAKE BAY BRIDGE CASE, A NPW WAS NOT INVOLVED.

F. RADM CHEWNING PROVIDED HANDOUTS LISTING EQUIPMENT RECOMMENDED FOR USE BY A CIVIL DEFENSE TEAM IN HANDLING EMERGENCIES INVOLVING RADIOACTIVITY DUE TO ANY CAUSE INCLUDING GN NCCIDENT COVERED UNDER THE STANDARD STATEMENT. REPRESENTATIVE COSTS WERE ALSO LISTED. THE POINT AGAIN WAS STRONGLY MADE THAT USG DOES NOT CONSIDER THE KIND OF MONITORING ENVISIONED BY THE GOE TO BE NECESSARY FOR US NPW TRANSIT OF THE SUEZ CANAL.

SECRET

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SECRET

PAGE 01 CAIRO 12276 02 OF 03 051552Z

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L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11

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S E C R E T SECTION 02 OF 03 CAIRO 12276

4. EFFAT MADE THE POINT THAT BASED ON CHEWNING'S ASSURANCES OF THE USN SAFETY RECORD AND HIS READINGS OF THE HANDOUTS, US NPW WOULD NOT SEEM TO BE A PROBLEM TO THE CANAL, BUT THAT THERE STILL IS WORRY ABOUT OTHER COUNTRIES AND THEREFORE EGYPT TRULY NEEDS MONITORING CAPABILITY. HAMUDA ALSO PROFESSED TO BE SATISFIED ABOUT US NPW SAFETY, BUT SAID THAT AFTER READING THE PUBLICATION, HE WAS MORE SURE THAN EVER EGYPT NEEDS

THE CAPABILITY TO MONITOR OTHER SHIPS. HE FURTHER
REMARKED THAT IN HIS OPINION THE US SHOULD START
MONITORING THE PANAMA CANAL. CHEWNING SAID THE US
VIEWS THE TWO CANALS AS TERRITORIAL WATERS, JUST AS
SECRET

SECRET

PAGE 02 CAIRO 12276 02 OF 03 051552Z

PORTS AND ADJACENT WATERWAYS THROUGHOUT THE WORLD
WHICH WE DO NOT MONITOR. IN ANY CASE, THE MAGNITUDE
OF MONITORING ALL TERRITORIAL WATERS WOULD MAKE THAT
TASK TOTALLY IMPOSSIBLE. EFFAT SAW THE ANALOGY AND
SEEMED TO AGREE.

5. THERE FOLLOWED SOME MORE INCONCLUSIVE DISCUSSION,
WITH EGYPTIAN SIDE STICKING TO NEED FOR MONITORING
EQUIPMENT IN ORDER TO BE ABLE TO MEET GOE'S OBLIGATIONS
TO EGYPTIAN PUBLIC. AMBASSADOR FINALLY SOUGHT TO BREAK
IMPASSE BY SUGGESTING THAT THE QUESTIONS OF USNPW
TRANSIT AND GOE BELIEF IT NEEDS MONITORING EQUIPMENT
BE DECOUPLED AND HANDLED AS TWO SEPARATE MATTERS. IF
GOE FOR DOMESTIC REASONS RECEIVES NEED DOR MONITORING
BECAUSE OF POSSIBILITY OTHER NPW OR COMMERCIAL NUCLEAR
VESSELS MIGHT WISH TRANSIT SUEZ CANAL, WE RESPECT ITS
JUDGMENT AND WOULD PERHAPS BE WILLING INVESTIGATE POS-
SIBILITY OF ENABLING GOE PURCHASE SUCH EQUIPMENT THROUGH
CIP ASSISTANCE. HE COULD, OF COURSE, MAKE NO COMMITMENT
AT THIS TIME. IT SHOULD BE CLEARLY UNDERSTOOD, HOWEVER,
THAT WE CANNOT AGREE THAT THIS BE IN ANY WAY ASSOCIATED
WITH OUR REQUEST FOR NPW TRANSIT. AMBASSADOR REITERATED
IMPECCABLE USNPW SAFETY RECORD IN TWENTY-THREE
YEARS OF OPERATIONS, WHICH EVEN DR EFFAT HAD ACKNOWLEDGED
(ABOVE) AND CONCERNING WHICH EFFAT HAD INDICATED
READINESS ACCEPT OUR UNILATERAL PROPOSALS. IN CIRCUM-
STANCES, AMBASSADOR SUGGESTED THE TWO THINGS BE HANDLED
AS PARALLEL MATTERS AND VOICED THE HOPE THAT, SINCE
EGYPTIANS HAD INDICATED THEIR CONCERN WAS WITH NON-
AMERICAN NUCLEAR-POWERED VESSELS, AN EARLY POSITIVE
DECISION MIGHT BE REACHED ON ALLOWING USNPW'S TO
TRANSIT. ANY DELAYS IN PURCHASING OR INSTALLING MONITOR-
ING SYSTEM, HE URGED, SHOULD NOT DELAY GOE APPROVAL FOR
SECRET

SECRET

PAGE 03 CAIRO 12276 02 OF 03 051552Z

USNPW TRANSITS. HAMUDA OPINED NO NPW TRANSIT SHOULD
TAKE PLACE UNTIL AFTER MONITORING SYSTEM INSTALLED AND
OPERATING SO THAT ADEQUATE BACKGROUND READING MIGHT
TAKE PLACE. AMBASSADOR POINTED OUT THIS COULD TAKE
YEARS AND MADE CLEAR USG VIEW THAT, IN ACCORDANCE WITH

CONSTANTINOPLE CONVENTION OF 1888, WE WISH EXERCISE OUR
RIGHT SEND WARSHIPS, REGARDLESS OF METHOD OF PROPULSION,
THROUGH THE CANAL. AMBASSADOR NOTED HE HAD ALREADY
DISCUSSED SUBJECT WITH GENERAL GAMASY, WHO AGREES.

6. MAHER ABAZA, SPEAKING FOR SULTAN, INDICATED THAT
GAMASY AND FONMIN KAMEL HAD ASKED SULTAN TO HANDLE
THEIR INTERESTS IN ARRIVING AT DECISION ON THE QUESTION.
HE STATED THAT EFFAT WOULD PRESENT COMMITTEE VIEWS TO
SULTAN WITH THE PROPOSAL. SULTAN, AFTER CONSIDERING
MATTER, WOULD DOUBTLESS HAVE TO HAVE "HIGHER LLVEL"
APPROVAL. ABAZA AND EFFAT ENDORSED DE-COUPLING PROPOSAL
AND ABAZA AT LEAST HOPED THAT DECISION COULD BEFORE LONG
BE MADE. AMBASSADOR AGAIN EMPHASIZED THAT THE TWO
ISSUES BE TREATED SEPARATELY AND THAT USG CANNOT PROVIDE
MONITORING EQUIPMENT AS CONDITION FOR TRANSIT OF ITS
NPW'S. IT MIGHT, HOWEVER, BE WILLING TO
RESPOND TO GOE REQUEST THROUGH APPROPRIATE CIP ASSISTANCE'

7. IN SUBSEQUENT REVIEW OF THE TWO MEETINGS BY
AMBASSADOR, CHEWNING AND ALUSNA, WE BELIEVE HAMUDA MAY

SECRET

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SECRET

PAGE 01 CAIRO 12276 03 OF 03 051555Z
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SECRET SECTION 03 OF 03 CAIRO 12276

STILL NOT UNDERSTAND DIFFERENCE BETWEEN EQUIPMENT NECESSARY FOR MONITORING RADIOACTIVITY IN THE EVENT OF A NUCLEAR EMERGENCY AND FOR ENVIRONMENTAL MONITORING, ALTHOUGH DISTINCTION WAS MADE BY CHEWNING AND APPARENTLY UNDERSTOOD BY EFFAT. SINCE TWO TO THREE CIVIL DEFENSE TEAMS COULD BE EQUIPPED FOR AN ESTIMATED TEN THOUSAND DOLLARS OR SO, AS DISCUSSED IN HAND-OUT PROVIDED TO TECHNICAL COMMITTEE, THE COST OF DEVELOPING A RADIOACTIVITY EMERGENCY MONITORING CAPABILITY SHOULD NOT BE A STUMBLING BLOCK FOR GOE. ADDITIONALLY, ALTHOUGH GOE PROBABLY HAS EQUIPMENT TO HANDLE SUEZ CANAL MONITORING (TESTING AT INCHASS PLANT), HAMUDA AND HIS COLLEAGUES MAY WANT TO OBTAIN ADDITIONAL CIP ASSISTANCE FOR SOME

SECRET

SECRET

PAGE 02 CAIRO 12276 03 OF 03 051555Z

KIND OF EQUIPMENT THERE. WE ARE DISCUSSING SUBJECT WITH AID AND WILL SHORTLY SUBMIT RECOMMENDATION. IMPORTANT ISSUE, HOWEVER, IS THAT ANY SUCH REQUEST BY GOE BE TOTALLY SEPARATED FROM USNPW TRANSIT. WE WILL CONTINUE PRESS GOE AGREE TO USNPW TRANSIT WITHOUT REFERENCE TO PROGRESS ON ACQUISITION AND INSTALLATION OF MONITORING EQUIPMENT, BUT HAMUDA (AND SCA) ARE LIKELY TO BE STUMBLING BLOCKS. SULTAN AND GAMASY ARE FAVORABLY INCLINED AND WE MAY EXPECT THEM TO TRY TO ASSIST, BUT THEY ARE NOT LIKELY TO BE ABLE TO IGNORE COMPLETELY VIEWS OF TECHNICAL COMMITTEE. DEPENDING ON DEVELOPMENTS, AMBASSADOR WILL CONSIDER AGAIN DISCUSSING SUBJECT WITH VP MUBARAK. EILTS

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